

From: Tim Sweeney [REDACTED]@epicgames.com>
Sent: Mon, 11 May 2020 18:01:10 +0000 (UTC)
To: Mark Rein [REDACTED]@epicgames.com>
Cc: Daniel Vogel [REDACTED]@epicgames.com>; Ed Zobrist [REDACTED]@epicgames.com>; Adam Sussman [REDACTED]@epicgames.com>; Canon Pence [REDACTED]@epicgames.com>; Matt Weissinger [REDACTED]@epicgames.com>; Nick Chester [REDACTED]@epicgames.com>
Subject: Re: Apple / Google approach (attorney client privilege)

That's the nuclear scenario. Yes, Apple or Google can do that, and if they do that. If they do, it will trigger Epic filing injunctions in numerous jurisdictions to stop them, and creates a VERY precarious situation for them where they could be forced to abandon their policy in some geographies.

Let's have this as a group brainstorming session, and not scatter the discussion among numerous emails.

-Tim

On Mon, May 11, 2020 at 1:47 PM Mark Rein [REDACTED]@epicgames.com> wrote:

We should also, especially after what happened this weekend with Houseparty, realize that there's a better than 50% chance Apple and Google will immediately remove the games from their stores the minute we do this. They may also sue us to make an example.

Do we know if they can invalidate our apps in a way that makes them inoperative on devices that have them installed? Do our apps possibly use APIs they can use to make them inoperative? Are there any sort of backdoor things they can turn on that make the apps unworkable?

On Mon, May 11, 2020 at 1:42 PM Daniel Vogel [REDACTED]@epicgames.com> wrote:

My gut feeling is that a brief brainstorming meeting with this group to align us all is going to be more fruitful than going over formed plans. I don't think people are going to have enough time to really think things through by Wednesday. The worst meeting is a meeting with partial plans that people didn't have enough time to think through but have invested enough time in presentation / slides to defend them :-) My \$0.02

-- Daniel, Epic Games Inc.

On Mon, May 11, 2020 at 1:09 PM Ed Zobrist [REDACTED]@epicgames.com> wrote:

Hey Tim,
Sorry, I should have been more clear. I'm repurposing the Wed 11:30 meeting currently on your calendar and we'll present you with Legal, Comms and Strategy materials.

Ed

On Mon, May 11, 2020 at 12:44 PM Tim Sweeney [REDACTED]@epicgames.com> wrote:

Hi Ed,

I don't seem to be invited to a Wednesday meeting. Please add me to all meetings on the topic. Please keep me in the loop on this topic 100%. Please feel free to come to me directly in email or otherwise anytime to get clarification on anything. Otherwise it heads off the rails and I have to fix it and undo a bunch of work.

-Tim

EXHIBIT 10684

On Mon, May 11, 2020 at 12:03 PM Ed Zobrist [REDACTED]@epicgames.com> wrote:

Daniel and I discussed this an hour ago and I completely agree. I think this means taking a few days to fully explore legal/comm implications, and I'd add strategic as well. Then we'll follow up with a broader executional plan next week. Unless there is a disagreement, I'll reset the Wed meeting to a smaller group, and I'll coordinate with leaders of these three areas to bring materials for a deep discussion of the options and outcomes.

Ed

On Mon, May 11, 2020 at 11:25 AM Daniel Vogel [REDACTED]@epicgames.com> wrote:

Making sure we are all in alignment on approach and what to focus our limited mindshare on. There are a myriad of edge cases to solve like impact on SAC, POSA cards, etc, but the critical dependency on going live with our VBUCKS price reduction efforts is finding the most effective way to get Apple and Google to reconsider without us looking like the baddies.

Here is my understanding of the plan:

We submit a build to Google and Apple with the ability to hotfix on our payment method that passes the savings on to customers.

We flip the switch when we know we can get by without having to update the client for 3 weeks or so.

Our messaging is about passing on price savings to players.

Google and Apple will immediately pull the build for new players and potentially take an even more aggressive stance.

What comes next is less well defined and IMO should be our focus. What is our detailed communication and legal plan at that time?

What is our approach when FN goes offline on mobile devices due to lack of ability to update. How do we not look like the bad guys and what is our strategy to counter Apple and Google's lobbying as I assume that will be in overdrive as they will treat this as an existential threat. Etc. Development and other work is all proceeding, I just don't want to dilute our time with updates on the execution front and focus it entirely on the big elephant in the room in the next week or two.

Any disagreement on this? If no, I would suggest there to be small and short brainstorming sessions on communication and legal approach.

-- Daniel, Epic Games Inc.

--
Head of Publishing
Epic Games

[REDACTED] cell

--
Head of Publishing
Epic Games

[REDACTED] cell

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Mark Rein,
Epic Games, Inc.

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